

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE: JAN 11 2002

SUBJECT: Identification of Potentially Responsible Parties for Remedial Activities Associated with Berry's Creek, Bergen County, New Jersey

FROM: Seth Ausubel, Remedial Project Manager
New Jersey Remediation Branch (ERRD/NJRB)

TO: Clay Monroe, Assistant Regional Counsel
Office of Regional Counsel (ORC/NJSFB)

****ATTORNEY-CLIENT PRIVILEGED****

The purpose of this memorandum is to document the U.S. Environmental Protection Agency's approach to identify parties responsible for contamination of Berry's Creek, Bergen County, New Jersey. This includes:

- Potentially Responsible Parties (PRPs) identified based on existing information, which should receive CERCLA Section 107(a) Notice Letters. Some of these parties should also receive CERCLA Section 104(e) Information Request Letters to verify their status and involvement in contamination of Berry's Creek.
- Parties for which EPA requires additional information to determine whether they may be responsible for contamination of Berry's Creek, which should receive CERCLA Section 104(e) letters.

Sources of Information to Identify Parties

EPA is using three principal sources of information to help identify parties:

- Existing State or EPA orders or other enforcement documents identifying the parties conducting remedial activities for the three Superfund sites in the Berry's Creek drainage area, i.e. Ventron/Velsicol (Ventron), Universal Oil Products (UOP), and Scientific Chemical Processing (SCP).
- A 1993 PRP Search conducted under contract to EPA¹.
- A 1996 cost allocation lawsuit brought under CERCLA and several other statutes by the Ventron PRPs (Morton International, Inc. and the Velsicol Chemical Corporation) against parties they determined may be responsible for contamination of the Ventron Site in Carlstadt and Wood-Ridge, New Jersey, and Berry's Creek². A summary of the current status of this lawsuit is provided below.

In addition, EPA is conducting searches for corporate records, to help identify current company

¹ CDM Federal Programs/TechLaw. 1993. Evidence Summary Report. Ventron/Velsicol Site. Volumes 1-4. Prepared for U.S. EPA Office of Waste Programs Enforcement, Washington, D.C. EPA Contract No. 68-W9-0002.

² Morton International, Inc. v. A.E. Staley Mfg. Co., et al., Case No. 96-3609 (NHP); and Velsicol Chemical Corporation, et al. v. A.E. Staley Mfg. Co., et al., Case No. 96-3610. U.S. District Court, District of New Jersey.



status and addresses; much of this updated information is included below. Information obtained from Remedial Investigations for the Ventron Site and other sites, contacts with NJDEP and EPA site managers, and searches of EPA regulated facility data bases, have also been used to provide evidence of discharges to Berry's Creek.

EPA is continuing to gather information to help determine PRPs for Berry's Creek. As additional information is gathered, EPA will modify the enforcement strategy outlined below, as appropriate.

Site Description

The Berry's Creek site is located within Bergen County, New Jersey. As described in the 1993 PRP Search, the site addressed here includes Berry's Creek and tidal tributaries of Berry's Creek, from its headwaters to the Hackensack River; and tidal wetlands that are potentially contaminated from industrial activities in the drainage area of Berry's Creek. Numerous facilities within the drainage area of Berry's Creek may have contributed contamination to the creek, its tributaries or wetlands. These include the three Superfund sites noted above, as well as other hazardous waste sites, industrial sites and properties. These sites lie within portions of the Boroughs of Carlstadt, Wood-Ridge, Rutherford, East Rutherford, Moonachie, Hasbrouck Heights, Little Ferry, Lyndhurst, and Teterboro. Available information indicates that site-related contaminants, including those in Attachment 1 (see below), are intermixed in the groundwater, sediments and wetland soils of the Berry's Creek area. Furthermore, most contaminants are common to a number of sites.

Chemicals of Concern

The Berry's Creek area is contaminated with chemicals such as mercury and other metals, polychlorinated biphenyls (PCBs), volatile organic chemicals (VOCs), and polycyclic aromatic hydrocarbons (PAHs). A preliminary list of chemicals of potential concern detected in soils, sediments and groundwater in the Berry's Creek area (Attachment 1) was presented in the evidence summary reports for the 1993 PRP Search.

Cost Allocation Lawsuit

As noted above, a cost allocation lawsuit was brought by Morton International, Inc. and the Velsicol Chemical Corporation, in 1996, against 96 parties they determined may be responsible for contamination of the Ventron Site and Berry's Creek. The plaintiffs identified several categories of defendants. The defendants' actions with regard to contamination of the Ventron Site and Berry's Creek were described in a September 13, 1996 "nexus memorandum". The categories of defendants identified included (1) other owners/operators at the Ventron Site; (2) "customer defendants", which sent "mercury-bearing waste material" to the mercury processing plant, formerly located on the Ventron Site, for reclamation and/or formulation into mercury chemicals; and/or retained title to the mercury (including "prime virgin mercury" (PVM) and/or mercury mixed with various impurities) sent to the plant for reclamation and/or formulation; (3) "adjacent landowner defendants", which discharged contaminants to the Ventron Site and/or

Berry's Creek; and (4) "Berry's Creek defendants", which discharged contaminants to Berry's Creek (includes the UOP and SCP Superfund Sites).

The plaintiffs identified 73 customer defendants. Two motions for summary judgement were brought before the U.S. District Court for the District of New Jersey by certain remaining customer defendants. These motions were filed by (1) Tennessee Gas Pipeline Company ("Tenneco"); and (2) jointly by Duracell; E.I. duPont de Nemours and Co.; Merck & Co.; PSE&G; Connecticut Light and Power Co.; Tenneco; Union Carbide Corp.; J.M. Ney Co.; Garfield Refining Co.; Becton, Dickinson & Co.; and Belmont Metals.

Tenneco sent only PVM to the processing plant. Their motion argued that the PVM was a useful product in itself, not a waste; that they did not retain ownership of the PVM sent to the plant; and that they merely purchased a product from the plant. Thus CERCLA arranger liability cannot be established. On July 16, 2001, the Court granted Tenneco's motion. It is not clear to what extent the Tenneco decision may apply to the other customer defendants. With the exception of Tenneco, the defendants in the joint motion are alleged to have sent various impure forms of mercury to the plant, which may be considered wastes. In several cases, the mercury sent to the plant allegedly included waste mercury for disposal. The joint motion argues that the defendants simply purchased mercury-based products from the plant and/or provided mercury to the plant for use as a raw material; and that providing a useful product for use as a raw material does not create liability under CERCLA even in the case of secondary or "used" materials.

The plaintiffs reached a settlement with approximately 80 *de minimis* parties. At this time we do not know the identities of these parties. As a result of the Court's decision, the plaintiffs agreed to dismissal of the lawsuit, and have recently taken the case to Federal Appeals Court for action against the remaining defendants. EPA will continue to follow the status of this lawsuit and investigate allegations against the customer defendants to help determine whether they may be liable under CERCLA in connection with Berry's Creek remedial activities. However, note that several of the customer defendants are also identified in the lawsuit as adjacent landowner defendants. These parties are addressed below.

Magnesium Elektron, Incorporated, allegedly a former operator at the Ventron Site (see section 2.1, below), filed a motion in the case which was withdrawn. EPA is seeking details regarding this motion.

EPA is not aware of any further proceedings of relevance to any other defendants or classes of defendants described in the lawsuit. The defendants are addressed individually below.

Identification of Parties

1. Parties which should receive CERCLA Section 107(a) letters. See Attachment 2 for a list of the parties in each category.

1.1. Ventron/Velsicol Site PRPs: In 1981, a judgement was entered in the Superior Court of New Jersey finding the Ventron Corporation and the Velsicol Chemical Corporation jointly and

severally liable for certain costs of clean-up and removal of mercury pollution at the Wood-Ridge, New Jersey properties which included the former mercury processing plant. This site was later placed on the National Priorities List as the Ventron/Velsicol Superfund Site. The judgement also found that mercury continued to be carried from the Wood-Ridge site to Berry's Creek, in violation of several New Jersey statutes. In 1984, the Morton Thiokol Corporation (as Ventron's successor) and Velsicol entered into a "Stipulation and Supplementary Order Approving Cooperative Agreement for Remedial Investigation..." with the State of New Jersey, agreeing to perform remedial investigations for the Wood-Ridge site and Berry's Creek³. The remedial investigations conducted to date have demonstrated the presence of high levels of mercury and other site-related chemicals, principally metals, in Berry's Creek sediments, water, and wetland soils, adjacent to the Ventron Site. Upon purchasing Morton International in 1999, the Rohm and Haas Company became successor to Ventron.

1.2. Other Ventron/Velsicol Superfund Site Owners/Operators: The 1981 judgement noted above also found F.W. Berk and Company, Inc, and the Wood Ridge Chemical Corporation jointly and severally liable for certain costs of clean-up and removal of mercury pollution at the Ventron/Velsicol Superfund Site. F.W. Berk and Company, Inc. owned and operated the mercury processing plant from 1929 to 1956. According to the nexus memorandum prepared by the plaintiffs for the cost allocation lawsuit noted above, Berk was a Maryland Corporation ("Berk U.S.") owned and operated by its parent corporation, F.W. Berk and Company Ltd., of England ("Berk U.K."). Berk U.S. was dissolved when it was sold to the Wood Ridge Chemical Corporation in 1960. Berk U.K. is now known as Redland Minerals Ltd. The nexus memorandum alleges that Berk U.K. exercised significant involvement and control over the operations of Berk U.S. New York Department of State corporate entity information indicates an active business under the name F.W. Berk and Company, Inc., with a process address in New York City. In addition to receiving a Notice Letter, Berk U.S. should receive an Information Request Letter to verify their status, and relationship to Berk U.K., and Redland, and involvement in the mercury plant operations and the discharge of hazardous substances at the site.

Wood Ridge Chemical Corporation was a wholly-owned subsidiary of the Velsicol Chemical Corporation. Wood Ridge owned and operated the mercury processing plant from 1960-1968. In 1967, Wood Ridge transferred ownership of the approximately 33-acre undeveloped portion of the site to Velsicol. In 1968, Velsicol sold the stock of Wood Ridge to the Ventron Corporation. Wood Ridge later merged into Ventron.

1.3. PRPs for Other Berry's Creek Superfund Sites:

1.3.1. UOP Site: The UOP Site in East Rutherford is adjacent to Berry's Creek. Portions of the site include wetlands and stream channels that are hydrologically connected to Berry's Creek. The site was developed in 1932 and was originally used as an aroma chemical laboratory.

³ Superior Court of New Jersey, Chancery Division - Bergen County. Docket Nos. C-2996-75, C-1954-77, C-1110-78.

Facilities were later expanded to handle chemical wastes and solvent recovery operations. Two waste water holding lagoons were used as holding areas for the facility wastewater. In 1963, the Universal Oil Products Company (UOP) merged with Trubeck Laboratories, Inc., and became the owner-operator of the site. Subsequently, UOP, Inc. was acquired by The Signal Companies, Inc. and was operated as a wholly-owned subsidiary of The Signal Companies. UOP was a chemical manufacturer, producing gasoline additives and products for refining petroleum. UOP operated a solvent recovery plant, waste water treatment plant, and waste water holding lagoons at the site. In 1979, UOP terminated all operations at the site. During the years of operation, both the wastewater lagoons and the routine handling of raw materials and wastes resulted in the release of various hazardous substances to the soils and shallow groundwater, including PCBs, PAHs, lead and volatile organic chemicals. UOP entered into Administrative Consent Orders with the New Jersey Department of Environmental Protection (NJDEP) in 1982, 1983 and 1986, to perform remedial activities at the site. Remedial investigations demonstrated the presence of site-related chemicals in the site wetlands and stream channels, and in nearby Berry's Creek.

In 1985, Allied Corporation and Signal Companies, Inc. merged to form AlliedSignal, Inc., and UOP became a wholly owned subsidiary of AlliedSignal, Inc. In 1998, ASI Speciality Chemicals, L.L.C., a wholly owned subsidiary of Allied Signal, became owner of the site. In 1999, AlliedSignal merged with Honeywell, Inc., and became Honeywell International, Inc. Honeywell continues to perform remedial activities at the site. EPA recently sent Information Request Letters to Honeywell and ASI in connection with a cost recovery action. Pending a response to these letters establishing ASI's relationship to AlliedSignal and Honeywell, ASI should also receive a Notice Letter for Berry's Creek remedial activities.

1.3.2. SCP Site: SCP is a six-acre site located in Carlstadt. It is bordered on the northeast by Peach Island Creek, a tidal tributary to Berry's Creek. The site is a former waste processing facility. About 375,000 gallons of hazardous substances were stored on-site in tanks, drums, and tank trailers. Site operations were shut down in 1980.

EPA is the lead agency overseeing the PRPs' remedial activities. Approximately 170 PRPs have been identified. There is one point of contact, however. An interim remedy, consisting of a slurry wall, infiltration barrier, and de-watering system, was completed in 1992. This remedy is intended to eliminate direct contact with contaminated materials and to control off-site migration of contamination from on-site soils and shallow groundwater, until a final remedy is selected.

Peach Island Creek is part of Operable Unit 3 of the SCP Site. The results of the Remedial Investigation showed that the water table aquifer at the site, which is grossly contaminated, was impacting Peach Island Creek surface water and sediments. The Remedial Investigation included water quality and sediment sampling at four stations along Peach Island Creek. Site-related contaminants detected in Peach Island Creek include PCBs, VOCs and dieldrin. PCBs and VOCs have been detected at elevated levels nearby in Berry's Creek. Other SCP site-related contaminants, such as metals and PAHs, were found at elevated levels in Peach Island Creek. However, their distributions do not indicate that the SCP Site was the principal source.

Since the implementation of the interim containment remedy, periodic surface water sampling has not detected surface water contamination above surface water quality criteria. However it is believed that adjacent sediments still contain contamination above levels of concern.

1.4. Owners/Operators of Other Berry's Creek Sites

1.4.1. Diamond Shamrock/Henkel: The Diamond Shamrock/Henkel Property is located to the south of the Ventron Site, and is adjacent to the Ventron Site along most of its western boundary. The site is a CERCLIS site. A Preliminary Assessment was completed in 1987. No further remedial action is planned under CERCLA. The site was addressed under New Jersey's Environmental Cleanup Responsibility Act (ECRA) and its successor, the Industrial Site Recovery Act (ISRA).

The Diamond Shamrock Corporation commenced operations at the site in 1921. In 1983, the Diamond Shamrock Corporation adopted a new corporate structure. A stock holding company was formed under the name "Diamond Shamrock Corporation." The former Diamond Shamrock Corporation changed its name to Diamond Shamrock Chemicals Company, and became a subsidiary of the new Diamond Shamrock Corporation. In 1986, Diamond Shamrock Corporation sold all the outstanding stock in Diamond Shamrock Chemicals Company to Oxy-Diamond Alkali Corporation, a wholly-owned indirect subsidiary of Occidental Petroleum Corporation. Diamond Shamrock Chemicals Company was then renamed Occidental Electrochemicals Corporation (OEC). In October 1986, OEC transferred the ownership of the Carlstadt, New Jersey facility to Oxy Process Chemicals, Inc. Oxy Process Chemicals in turn transferred ownership of the facility to the Henkel Corporation. In 1987, OEC was merged into Occidental Chemical Corporation (OCC), a wholly-owned indirect subsidiary of Occidental Petroleum Corporation. New York Department of State corporate entity information identifies OEC as an inactive business, with a process address in New York City, and as the current name of Diamond Shamrock Chemicals.

The facility was used to manufacture chemicals, including processes involving the use of sulfur compounds, naphthalene, zinc and other organic and organometallic compounds. During World War II, the facility was used for metal reclamation. Approximately 335,000 tons of process waste were disposed at the facility. Disposal methods included landfills, pits, ponds, and lagoons. The facility was connected to Berry's Creek through a ditch receiving water from Never-Touch Creek and Berry's Creek, that supplied the facility with non-contact cooling water, via a production pond. This ditch is coincident with the southern boundary of the Ventron Site. Another tidally-influenced ditch also connected the facility to Berry's Creek. This ditch drained the cooling water and Diamond Shamrock facility runoff from the production pond across the Ventron Site to Berry's Creek. The cooling water/runoff was discharged under a NJPDES permit until 1990. Prior to 1974, zinc oxide and other chemicals were discharged. A site assessment, cited in the nexus memorandum, indicates that many chemicals used at the Diamond Shamrock facility are found in Berry's Creek near the site. These include PCBs, zinc, cadmium, chromium and other chemicals. The draft Remedial Investigation (RI) report for the Ventron Site indicates elevated concentrations of these chemicals in the wetlands and water bodies adjacent to the Diamond Shamrock facility, in some cases at concentrations greater than those found in the

adjacent filled area of the Ventron Site. The evidence summaries for the 1993 PRP Search document numerous spills of process chemicals, some discharging to Berry's Creek; as well as spills involving PCB-contaminated oils; and soil and groundwater contamination involving several Berry's Creek chemicals of potential concern.

The NJDEP Site Manager has confirmed that on-site remediation has been completed. On-site soils have been stabilized. The site is capped. A slurry wall was constructed on the north, south and east sides of the property, and tied into impermeable strata approximately 17 feet below the ground surface. A groundwater pump-and-treat system is in operation. The production pond has been remediated. Site storm water runoff is now discharged via the former production pond and cooling water intake ditch. A concrete culvert has been installed to prevent tidal inundation of the pond. The responsible party (Diamond Shamrock) is not being required to address contamination in the tidal channels and adjacent areas of Never-Touch Creek and Berry's Creek under ECRA/ISRA, provided these areas are addressed under CERCLA.

OEC and Henkel should receive Information Request Letters at the same time they receive Notice Letters, to verify their relationship to OCC, site owner/operator history and current status, as well as the nature of facility operations and discharges.

1.4.2. Randolph Products, Inc.: The Randolph Products facility occupies the lot immediately to the south of the developed portion of the Ventron Site, in between the Ventron Site and the Diamond Shamrock/Henkel site. Randolph manufactures paints and lacquers, and used a large number of chemicals in its manufacturing operations including metallic-based pigments and organic solvents. Randolph has operated at the facility since the 1930s. In 1988, Randolph had approximately 100 employees. The site is on New Jersey's list of Known Contaminated Sites. Case assignment is pending.

There are or have been several discharge pathways at the Randolph facility that lead to Berry's Creek. Rainwater is discharged through a trough to the low-lying area of the Ventron Site adjacent to the facility. According to the nexus memorandum and the draft RI report for the Ventron Site, wastes generated at the Randolph Products facility were discharged across the Ventron Site through a ditch, and later a discharge pipe. The discharge ran into a settling basin on the filled portion of the Ventron Site, and ultimately to Berry's Creek.

A number of Berry's Creek contaminants of potential concern have been found in soil and water samples at the Randolph facility. These include cadmium, chromium, lead, mercury and other metals; PAHs and VOCs. Information available from NJDEP and EPA inspections document numerous environmental violations and a history of apparently poor waste management practices at the Randolph facility, which sometimes resulted or were suspected to have resulted in discharges to Berry's Creek or its tributaries. For example, the records summarized in the 1993 PRP Search indicate leaking drums discharging to Berry's Creek tributaries; an overflow to a septic tank drain found to contain PAHs, metals, and other substances; and a heavy sheen, reported to be runoff from the paint manufacturing plant, noted on water in the drainage trough that drains to Berry's Creek.

Randolph should receive an Information Request Letter at the same time as the Notice Letter, with a focus on documenting on-site contamination, and the nature of discharges to the Ventron Site, Berry's Creek, and its tributaries.

1.4.3. Arsynco, Inc.: Arsynco manufactures pharmaceuticals and specialty organic chemicals at its facility located in Carlstadt south of the Diamond Shamrock facility next to Berry's Creek. Arsynco is a CERCLIS site. A Site Inspection was completed in 1989. No further remedial action is planned under CERCLA. The site is being addressed under ECRA/ISRA. According to the nexus memorandum, the facility has been used for chemical production by Arsynco, BASF, and/or other parties since 1905. An evidence summary from the 1993 PRP Search, prepared only for address verification and corporate status research, indicates that Arsynco was started in 1969 and that it is a subsidiary of Aceto Corporation. The Carlstadt facility had 92 employees in 1993.

The nexus memorandum cites a 1984 preliminary assessment report which documents several potential pathways for contaminant migration from the Arsynco facility to Berry's Creek. For example, on-site ditches and a pond are connected to Berry's Creek. Also, at least until 1985, storm water runoff channels constructed near the facility's manufacturing operations discharged directly into Berry's Creek. A 1977 NJDEP memorandum states that repeated chemical spills in this area drained into Berry's Creek. NJDEP soil sampling in 1989 revealed high levels of PCBs VOCs, chromium, lead, and zinc in site soils. Many of these chemicals have also been found at elevated concentrations in Berry's Creek sediments adjacent to the Arsynco facility.

EPA has requested the NJDEP Site Manager to review the file on this facility and provide additional information on regulatory status and discharges to Berry's Creek.

Arsynco should receive an Information Request Letter at the same time as the Notice Letter, to verify corporate status, present and past site owners and operators, and the nature of facility operations and discharges to Berry's Creek.

1.4.4. Cosan Chemical Corporation: Cosan is located in Carlstadt adjacent to Arsynco, on its southeast side. The site is a CERCLIS site. A Preliminary Assessment was completed in 1990. No further remedial action is planned under CERCLA. The site is to be addressed under ISRA. The facility manufactures specialty chemicals, including organic mercury chemicals, for the paints, coatings, and catalysts industries. The facility began operating in January 1973.

Cosan and/or BASF stored elemental mercury at the Cosan facility and converted it to mercury-based chemical intermediates. The facility generates several wastes with high concentrations of mercury. In 1989, Cosan received a permit to operate a hazardous waste drum storage area at the Carlstadt site. Runoff from the facility discharges to Berry's Creek. Facility non-contact cooling water is discharged to Berry's Creek, and treated process water is discharged to the municipal sewer, under NJPDES permits.

The 1993 PRP Search documents poor drum management and spills on-site; in one case a small spill of benzene and acetic acid drained into a tributary of Berry's Creek. Groundwater monitoring on site has detected high levels of VOCs and metals in the shallow aquifer.

The nexus memorandum states that the State of New Jersey has fined Cosan for repeated violations involving the discharge of pollutants, including mercury, into the Bergen County sewage treatment plant and into Berry's Creek. The 1993 PRP search contains records indicating that Cosan violated its NJPDES permit limits on several occasions (e.g. for VOCs and petroleum hydrocarbons), but it does not contain information to verify the discharge of mercury or any other contaminant of potential concern to Berry's Creek. However, a search of EPA's Permit Compliance System (PCS) for Cosan's NJPDES permit (NJPDES ID NJ003522) indicates effluent discharges of mercury and oil and grease to Berry's Creek, in compliance with permit limits.

Cosan should receive an Information Request Letter at the same time as the Notice Letter, to verify corporate status, the involvement of BASF and any other site owners/operators, the nature of facility operations, including the drum storage facility, and discharges to Berry's Creek.

1.4.5. Becton, Dickinson and Company: Becton Dickinson and Company, Inc. owned and operated a facility in East Rutherford from its construction in 1907 until circa 1990. At that time the facility was closed and operations moved to a Franklin Lakes, New Jersey, location, which today serves as the company's main office. The East Rutherford facility manufactured medical and hospital products and supplies, including thermometers and metal parts. The facility was bordered by Ann Street, Route 17, Stanley Street and Francis Street. Information in the 1993 PRP Search details a discharge from the facility to Berry's Creek. The site is a CERCLIS site. A Preliminary Assessment was completed in 1989. No further remedial action is planned under CERCLA. The site is being addressed under ECRA/ISRA. According to the NJDEP Site Manager

An ECRA Sampling and Analysis Plan dated June 1987 identified substances including mercury, cadmium, chromium, lead and other metals; and petroleum hydrocarbons in soils at the facility. A 1969 NJDOH Industrial Waste Survey states that Becton was discharging process wastes from plating and glass manufacturing to storm sewers that discharged to Berry's Creek. The wastes included heavy metals and other chemicals. Approximately 90,000 cubic feet of plating wastes were discharged each month. A 1970 NJDOH order states that the facility is discharging industrial waste to nearby water bodies and requires that wastewater treatment and/or disposal facilities be installed. Later, perhaps beginning in the late 1980s, Becton discharged non-contact cooling water and storm water runoff to Berry's Creek under a NJPDES permit. Becton was issued a Notice of Violation for exceeding discharge limits for chromium, lead and zinc in 1988.

The storm sewers that carried Becton's effluents ran across the upland portion of the UOP site, and discharged into stream channels on the UOP site that are tributaries to Berry's Creek.

According to the NJDEP ISRA Site Manager, the Becton site in East Rutherford is the subject of an active ISRA case in the investigation phase. Currently, groundwater is the major concern at the site, including the presence of high concentrations of trichloroethylene and DNAPLs. ECRA/ISRA case histories for the site date from approximately 1987. EPA has requested the NJDEP Site Manager to review the case histories and provide additional information on the status and discharges to Berry's Creek.

Address verification work done under the 1993 PRP Search indicated that the East Rutherford property reported to have been owned by Becton was taken over by the Federal Reserve Bank of New York. It is not clear whether the Federal Reserve Bank was involved in any operations at the site. However, according to the NJDEP Site Manager, Becton is still involved with the active ISRA case.

Becton should receive an Information Request Letter at the same time as the Notice Letter, with a focus on documenting on-site contamination, and the nature of discharges to the UOP site, Berry's Creek, and its tributaries; as well as the history of its operations at the East Rutherford site, and the ownership history and current status of the site.

2. Parties which should receive CERCLA Section 104(e) letters (see Attachment 3).

2.1. Other Ventron/Velsicol Superfund Site Owners/Operators

2.1.1 F.W. Berk and Company, Ltd./Redland Minerals Ltd.: See section 1.2, above, for information on these parties and their involvement in operations at the Ventron site. Berk/Redland should receive an Information Request Letter to verify their status, relationship to Berk U.S., and involvement in the mercury plant operations and the discharge of hazardous substances at the site.

2.1.2 Magnesium Elektron, Inc.: According to the nexus memorandum, Magnesium Elektron entered into a joint venture with Berk U.S. in the 1950s, identified as "Melberk", through which Magnesium Elektron leased a portion of the Wood-Ridge site and conducted zirconium manufacturing operations resulting in the release of hazardous substances. There is no information on what substances were released or whether they may have been discharged to Berry's Creek. Today, Magnesium Elektron is a subsidiary of the Luxfer Group (f.k.a. British Aluminum), a U.K. company, with headquarters in Manchester, England. Magnesium has a zirconium manufacturing plant in Flemington, New Jersey.

Magnesium should receive an Information Request Letter to document their involvement in the joint venture, the nature of the operations, and the substances discharged to Berry's Creek, if any.

2.2. Additional Parties Identified Through 1993 PRP Search: During the course of the 1993 PRP Search, NJDEP reviewed the information compiled in the evidence summary reports for over 300 parties identified as owners/operators of facilities in the Berry's Creek area. NJDEP concluded that there was sufficient information to identify 49 potentially responsible parties with respect to the discharge of hazardous substances to Berry's Creek. For an additional 74 parties identified in the evidence summary reports, NJDEP concluded that further investigation was needed to determine whether they are responsible for the discharge of hazardous substances to Berry's Creek. Among the 49 parties NJDEP concluded were responsible, six have been identified above to receive Notice Letters (see section 1.4). A corporate records search is now being conducted by EPA. Information currently available indicates that of the remaining 117 parties which NJDEP either concluded were responsible or that further investigation is needed, 86 appear to be viable at some location today, and/or have a valid contact point (i.e. a corporate agent or mailing

address). These parties are listed in Attachment 3. Part A includes the parties which NJDEP concluded were responsible for discharges of hazardous substances to Berry's Creek, and Part B includes the parties which NJDEP concluded require further investigation.

Many of the parties are small businesses, and several are municipalities or municipal entities. Based on the information in the evidence summaries, many of the parties do not appear to have discharged any substance other than petroleum (e.g. from leaking underground storage tanks); for some parties there is no information on what substances were discharged. Also, the available information often reveals only small quantities of hazardous substances discharged, discharges of substances that are not among the chemicals of potential concern for Berry's Creek, and/or discharges occurring only on one or few occasions. Therefore the information in the evidence summaries may be incomplete. The parties should receive Information Request Letters to verify their current status, company history, and the nature of their operations in the Berry's Creek area, including their discharges, if any, to the creek.

Attachments

bcc: Kevin Lynch, ERRD
Carole Petersen, ERRD/NJRB
John Prince, ERRD/NJRB
Jon Gorin, ERRD/NJRB
Roy Coakley, ERRD/PSB
Damaris Cristiano, ORC/NJSFB
Michael vanItallie, ORC/NJSFB

ATTACHMENT 1

Preliminary List of Berry's Creek Contaminants of Potential Concern

Arsenic
bis(2-ethylhexyl) phthalate
Butyl benzyl phthalate
Cadmium
Chlorobenzene
Chloroform
Chromium
Copper
Cyanide
Dichlorobenzene
di-n-butyl phthalate
1,2-dichlorobenzene
1,2-dichloroethane
Dieldrin
di-n-octyl phthalate
Ethylbenzene
Lead
Mercury
Methylene chloride
Methyl ethyl ketone
Naphthalene
Nickel
Petroleum hydrocarbons
Phenanthrene
Phenol
Polychlorinated biphenyls
Pyrene
Selenium
Silver
Tetrachloroethylene
Thallium
Toluene
1,2-trans dichloroethylene
1,1,1-trichloroethane
Trichloroethylene
Xylene
Zinc

ATTACHMENT 2

Parties Which Should Receive CERCLA Section 107(a) Notice Letters in Connection with
Remedial Activities for Berry's Creek

Ventron/Velsicol Superfund Site PRPs

Velsicol Chemical Corporation
Rohm and Haas Company

Other Ventron/Velsicol Superfund Site Owners/Operators

F.W. Berk and Company, Inc.*

PRPs for Other Berry's Creek Superfund Sites

Universal Oil Products Site:

Honeywell International, Inc.
ASI, Inc.**

Scientific Chemical Processing Site:

Scientific Chemical Processing, Inc.

Owners/Operators of Other Berry's Creek Sites

Diamond Shamrock Corporation/Occidental Electrochemical Corporation*
Henkel Corporation*
Randolph Products, Inc.*
Arsynco, Inc.*
Cosan Chemical Corporation*
Becton, Dickinson and Company*

* The party should receive a CERCLA Section 104(e) Information Request Letter concurrently with the Notice Letter. See text for details.

** The party has received an Information Request Letter for a cost recovery. Response pending.

ATTACHMENT 3

Parties Which Should Receive CERCLA Section 104(e) Letters in Connection with Remedial
Activities for Berry's Creek

Other Ventron/Velsicol Superfund Site Owners/Operators

F.W. Berk and Company, Ltd./Redland Minerals Ltd.
Magnesium Elektron Corporation, Inc.

Additional Parties Identified Through 1993 PRP Search

Part A:

Carlstadt

Able Truck Repair, Ltd.
Active Oil Service
Adelphi Pur-All Coatings Co. (f.k.a. Pur-All Paint Products Company, Inc.)
Airwick Industries, Inc.
Aluminum Anodizing, Inc.
Bergen Tire Service Center
Borough of Carlstadt
Carlton-Cooke Plating Corp.
Carolina Freight Carriers Corporation
Coastal Industries, Inc.
Finite Industries, Inc.
Goodyear Tire & Rubber Company
Hartin Paint & Filler Corp.
Martin Picard, Inc.
The Nycal Company, Inc.
Parkway Sterling-Regal, Inc.
Roadway Express, Inc.
Spear Packing, Inc.
Techtron Print, Inc.
Verflex Sales Corporation

East Rutherford

Dubois Chemicals/Diversey Lever, Inc.
East Rutherford Joint Sewage Treatment Plant
Sun Chemical Corporation
United States Printing Ink

Hasbrouck Heights

Hasbrouck Heights Board of Education
Meta-Lite, Inc.
Rexnord Corporation

Lyndhurst

New York Mutual Trading, Inc.
Sika Chemical Corporation

Moonachie

Heller & Usdan, Inc.
President Container Corp.

Teterboro

Exxon Mobil Corp.
Florasynth, Inc.
Ford Motor Company
Osram Sylvania, Inc. (f.k.a. GTE Sylvania)
Great Bear Spring Company
Trans Continental Trucking

Part B:

Carlstadt

American Metaseal Company
Components and Controls, Inc. (UST)
Continental Baking Company (UST)
Designcraft Metal Manufacturing Corp.
Elco Solvents Corporation
Ganes Chemicals, Inc.
General Foam Corporation
Holmes Trucking, Inc.
Intercity Motor Transportation Company, Inc.
Kingsway Transports, Inc. of Delaware
New York Times Company
Potters Industries, Inc. (UST)

(UST) - For these facilities, a leaking underground storage tank is the only environmental concern identified.

Red Ball Demolition, Inc.
Sediver, Inc. (UST)
St. Johnsbury Trucking Company, Inc. (UST)
Stanbee Company, Inc.
Tam Metal Products, Inc.
Technical Oil Products, Inc.

East Rutherford

Jersey Carting, Inc./Mario's Portable Services, Inc.
New Jersey Sports and Exposition Authority

Hasbrouck Heights

Reynaud Corporation

Little Ferry

C.P. Transmissions, Inc.
Metal Components, Inc.

Lyndhurst

Car-tronics, Inc. (UST)
Kuttner Print, Inc. (UST)
Time Incorporated (UST)

Moonachie

Diadem Company
Electro-Miniatures Corp.
Fleetwood Litho and Letter Corporation
Galvanic Printing Plate & Matrix Company
Oxford Furniture
PIE Nationwide, Inc. (UST)
Pantone, Inc. (UST)
Photogravure and Color Company
Pilot Woodworking Company, Inc.

Rutherford

Atlas Machine Corp.

(UST) - For these facilities, a leaking underground storage tank is the only environmental concern identified.

Teterboro

Agfa-Gevaert Rex, Inc. (UST)
Atlantic Aviation Corporation (UST)
Croll Rentals Co. (UST)
Falcon Jet Corporation
Greif Brothers Corporation
Party Rental Limited (UST)
Pepsi Cola Bottling Company
Potdevin Machine Co.
Sumitomo Machinery Corporation
Teterboro Airport
Teterboro Department of Public Works

Wood-Ridge

Curtiss-Wright Corporation

(UST) - For these facilities, a leaking underground storage tank is the only environmental concern identified.